

## REMARKS

The following remarks and the above amendments are submitted to address all issues in this case, and to put this case in condition for allowance. Applicant amends the claims in this case solely to clarify the relationship of the first and second loops and to correct typographical errors. No new matter is added in these amendments. The above amendments are not limiting amendments at least in conjunction with claims 1, 3, 9 and 10. After the above amendment, claims 1 and 3-11 are pending in the application. Claims 1 and 8 are independent.

Applicant has studied the Office Action mailed October 25, 2002 and has the following remarks.

### **Specification**

Applicant believes that the Examiner's objection related to the text of prosecution claim 5. Prosecution claim 5 has been amended to replace the term "zipper" with the term "slider" as requested by the Examiner and is believed to overcome the Examiner's objection in its amended form. Applicant contends that this correction is solely to provide proper antecedent basis for terms used and to correct an obvious typographical error. This is not a limiting amendment. Applicant respectfully requests the Examiner's withdrawal of his objection thereto.

### **35 U.S.C. § 102**

#### **Schaye**

The Examiner rejected claims 1-3, 6-8, and 11 as anticipated by Schaye (2,569,076). Applicant respectfully traverses this rejection on the grounds that Schaye fails to show: "the first loop being adapted and configured to be at least partially passable through the second loop when the slider is in the second position." as required by prosecution claim 1 and the step of "passing

at least a portion of the first loop through the second loop when the slider is in the second position” as required by prosecution claim 8.

As is clear from prosecution claims 1 and 8, as amended, the first loop is on the slider and the second loop is located on the locking member. Therefore, the independent claims, as amended, provide that the slider loop passes through the locking member loop. In Schaye, the locking member loop is clearly shown to pass through the slider loop (see, for example, FIG. 5 of Schaye). As this is completely the opposite arrangement of prosecution claims 1 and 8, as amended, prosecution claims 1 and 8 cannot be anticipated by Schaye. Applicant notes that this limitation was previously present in claim 2 and claim 1, as amended, is not limited compared to the scope of claim 2 as originally filed.

Since claims 3-7, and 9-11 depend from claim 1 or claim 8, applicant therefore contends that all pending claims are allowable over Schaye.

### **Keyaki**

The Examiner rejected claims 1-9 and 11 as anticipated by Keyaki (5,031,944). Applicant respectfully traverses this rejection on the grounds that Keyaki fails to show: “the first loop being adapted and configured to be at least partially passable through the second loop when the slider is in the second position.” as required by claim 1 and the step of “passing at least a portion of the first loop through the second loop when the slider is in the second position” as required by claim 8.

Applicant is slightly confused by the Examiner’s argument that part 25 of Keyaki (which refers to the end-stop-ring projection, see Col. 5, line 10) comprises the second loop of applicant’s claim. If the Examiner meant the eye in that projection shown in FIG. 7 of Keyaki, applicant respectfully notes that the first loop does not pass through that eye, but instead slides

next to it (“their [the slider and the end stop ring projection] eyes are overlapped,” Col. 5, ll. 18-19, See also FIG. 7 of Keyaki). Prosecution claims 1 and 8 both as amended, and as previously provided, state that one loop passes through the other and therefore, applicant does not believe that the Examiner intended the eye to be considered the second loop.

Applicant believes that the Examiner rejected the claim contending that the space between the two parallel projections of object 25 was the second loop. Applicant contends that this opening does not constitute a “loop” within the meaning of that word but instead constitutes a slot which is a completely different structure. A loop is generally a closed or nearly closed structure. Applicant contends that these properties are inherent in the term “loop” and therefore Keyaki cannot anticipate.

Since claims 3-7, and 9-11 depend from claim 1 or claim 8, applicant therefore contends that all pending claims are allowable over Keyaki.

### **35 U.S.C. §103**

The Examiner rejected claim 10 as obvious in view of Keyaki in light of Hunerhoff (1,845,088). Applicant respectfully traverses this rejection on the grounds that Hunerhoff fails to show: “the first loop being adapted and configured to be at least partially passable through the second loop when the slider is in the second position” as required by claim 1 and the step of “passing at least a portion of the first loop through the second loop when the slider is in the second position” as required by claim 8.

As is clearly visible from FIGS. 3 and 4 of Hunerhoff, the two loops lie side by side when in the locked position, the first loop is nowhere shown to pass through the second loop. As Keyaki also lacks this structure as discussed above, the combination cannot render either claim 1 or claim 8 obvious.

Since claims 3-7, and 9-11 depend from claim 1 or claim 8, applicant therefore contends that all pending claims are allowable over the combination of Keyaki and Hunerhoff.

Based on the above remarks, applicant contends that claims 1 and 3-11 are allowable over the cited references and respectfully requests that the Examiner withdraw his rejection thereto and allow this case to pass to issue.

### **Conclusion**

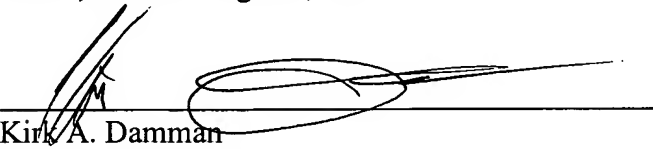
In light of the above, applicant respectfully requests entrance of the above amendment and allowance of all pending claims so that this case can pass on to issue.

As a final point, there is also included herewith a petition for a one month extension of time and the associated petition fee. It is believed no other fees are due in conjunction with this filing; however, the Commissioner is authorized to credit any overpayment or charge any deficiencies necessary for entering this amendment, including any claims fees and/or extension fees to/from our **Deposit Account No. 50-0975**.

If, however, any questions remain, applicant respectfully requests a telephone call to the below-signed attorney at (314) 444-7783.

Respectfully submitted,  
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**Marked up Version of Claims:**

Please cancel claim 2 without prejudice or disclaimer.

1. (Amended) A zipper locking device comprising:

a zipper that is selectively and alternatively adjustable between an open position and a closed position, the zipper having a length and comprising two rows of teeth, the rows of teeth being intermeshed with each other when the zipper is in the closed position and being separated from each other for a substantial portion of the length of the zipper when the zipper is in the open position;

a slider that is slidably connected to each of the rows of teeth such that the slider is movable between first and second positions along the rows of teeth, the slider being configured and adapted to intermesh the rows of teeth together when the slider is moved from the first position to the second position and to separate the rows of teeth from each other when the slider is moved from the second position to the first position such that the zipper is in the open position when the slider is in the first position and such that the zipper is in the closed position when the slider is in the second position, the slider comprising a main body and a first loop; and

a locking member that is operatively connected to the zipper, the locking member comprising a second loop[, one of the loops of the slider and the locking member constituting a first loop and the other of the loops constituting a second loop], the first loop being adapted and configured to be at least partially passable through the second loop when the slider is in the second position and being configured and adapted to allow a bolt of a lock to be positioned extending therethrough, the second loop being configured and adapted to prevent the passage of the first loop through the second loop when the bolt of the lock is positioned extending through

the first loop such that the movement of the slider towards the first position is limited when the bolt of the lock is positioned extending through the first loop

2. (Cancelled)

3. (Amended) A zipper locking device in accordance with Claim 1 [2] wherein the second loop [of the locking member] is rigid.

4. (Amended) A zipper locking device in accordance with Claim 1 wherein the first loop [of the slider] is integrally formed as a monolithic piece together with the main body of the slider.

5. (Amended) A zipper locking device in accordance with Claim 1 wherein the slider further comprises a pull loop and a pull tab, the pull tab being pivotally connected to the pull loop of the slider [zipper] in a manner such that the pull tab is movable relative to main body of the slider.

6. (Amended) A zipper locking device in accordance with Claim 1 wherein the first loop [of the slider] is a closed loop.

8. (Amended) A method of locking a zipper in a closed position comprising:

providing a zipper that is selectively and alternatively adjustable between an open position and a closed position, the zipper having a length and comprising two rows of teeth, the rows of teeth being intermeshed with each other when the zipper is in the closed position and being separated from each other for a substantial portion of the length of the zipper when the zipper is in the open position;

providing a slider that is slidably connected to each of the rows of teeth such that the slider is movable between first and second positions along the rows of teeth, the slider being configured and adapted to intermesh the rows of teeth together when the slider is moved from the

first position to the second position and to separate the rows of teeth from each other when the slider is moved from the second position to the first position such that the zipper is in the open position when the slider is in the first position and such that the zipper is in the closed position when the slider is in the second position, the slider comprising a main body and a first loop;

providing a locking member, the locking member being operatively connected to the zipper and comprising a second loop[,one of the loops of the slider and the locking member constituting a first loop and the other of the loops constituting a second loop];

providing a lock comprising a bolt;

sliding the slider to the second position such that the zipper is in the closed position;

passing at least a portion of the first loop through the second loop when the slider is in the second position; and

positioning the bolt of the lock in a manner such that the bolt extends through the portion of the first loop and such that the bolt prevents the portion of the first loop from passing back through the second loop so as to limit the slider from moving from the second position toward the first position.

9. (Amended) A method of locking a zipper in a closed position in accordance with Claim 8 wherein the first loop [of the slider] is rigidly fixed to the main body of the slider [and wherein the step of passing at least the portion of the first loop through the other of the loops further comprises passing at least a portion of the loop of the slider through the loop of the locking member].

10. (Amended) A method of locking a zipper in a closed position in accordance with Claim 9 wherein the second loop [of the locking member] is pivotal about an axis relative to the zipper and wherein the step of passing at least the portion of the first loop through the

second loop further comprises pivoting the second loop [of the locking member] about the axis to cause the portion of the first loop [of the slider] to pass through the second loop [of the locking member].